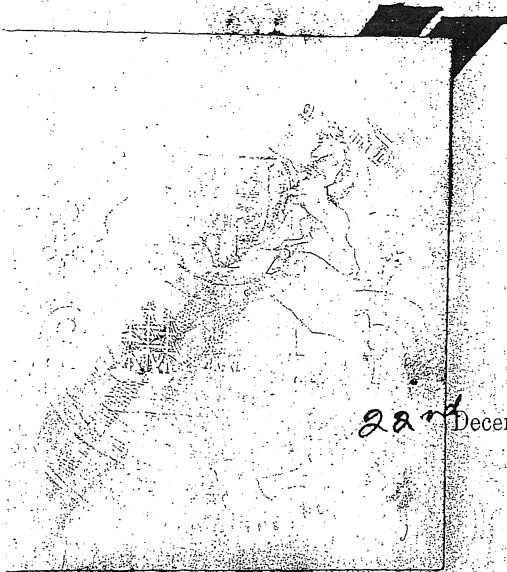


TRINIDAD AND TOBAGO.

No. 66.—1921.



I ASSENT,

A handwritten signature in dark ink, appearing to read 'M. A. ...', written in a cursive style.

Acting Governor.

22nd December, 1921.

AN ORDINANCE to authorize the Governor to make advances to owners of plantations.

[22nd December, 1921.]

WHEREAS, owing to the deterioration in value of the principal agricultural staples of the Colony and the general curtailment of credit now prevailing, owners of plantations are unable to obtain the moneys necessary for the cultivation of their plantations and the satisfaction of interest payable upon the encumbrances thereon;

And whereas the financial and economic stability of the Colony may be seriously affected by the consequences likely to result from the conditions aforesaid;

And whereas it is deemed advisable to make temporary provision for advancing to such owners from the public moneys of the Colony such sums as are necessary for the purposes aforesaid;

[*Price 4d.*]

And whereas it is necessary to make provision for securing the repayment to the Colony of the moneys to be so advanced together with interest thereon and the costs and charges of and incidental to the obtaining of such moneys by the Government and the payment thereof;

Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short title.

1. This Ordinance may be cited as the Agricultural Relief Ordinance, 1921.

Interpretation.

2. In this Ordinance—

“Owner” means the owner, manager or attorney of a sugar, cocoa, coconut or other plantation to whom an advance is made under the provisions of this Ordinance.

“Encumbrancer” includes all persons entitled, whether by deed or by memorandum of mortgage under the Real Property Ordinance, No. 60, or under the Agricultural Produce (Advances) Ordinance, 1917, or the Agricultural Credit Societies (Amendment) Ordinance, 1921, or otherwise, to a mortgage, charge or lien on land or on the produce thereof, and includes also all registered judgment creditors, and also debenture holders of any limited company; and the term “encumbrance” shall have a corresponding meaning.

Governor's authority to allow advances.

3. It shall be lawful for the Governor by warrant under his hand to authorize the Receiver-General to pay out of the public moneys of the Colony such sums as shall have been certified to have been allowed by the Auditor-General as provided in section 4 hereof.

Application for advance.

4.—(1.) All applications shall be in the form prescribed in Form A in the Schedule hereto, and shall be addressed to the Auditor-General, who shall consider each application on its merits, and shall fix the amounts to be allowed and the times at which such advances shall be made, and shall

forward to the Receiver-General vouchers certifying the amount allowed, and upon the receipt thereof the Receiver-General shall under the authority of the warrant aforesaid pay out of the public moneys of the Colony such sums as shall have been allowed by the Auditor-General.

Receiver-General's authority to pay.

(2.) It shall be lawful for the Governor from time to time in his discretion to appoint any officer other than the Auditor-General to perform the duties imposed upon the Auditor-General by this Ordinance.

5. As soon as possible after the fixing of any advances to be allowed, the Auditor-General shall fill up the notification in the form B in the Schedule hereto, and shall sign and forward the same to the Registrar-General, who shall file the same in a book to be kept for the purpose, and such book shall be open to the public for inspection free of cost.

Notification of Registrar-General of the advance.

6. All moneys advanced under the authority of this Ordinance with interest thereon, and all charges incidental thereto and to the repayment thereof, shall be a charge on the plantation specified in the prescribed form of application and upon the crops grown and to be grown thereon, when reaped or gathered therefrom and on the product or article to be cured made or manufactured from such crops or produce, and such crops and produce upon severance from the land and the product or article to be cured made or manufactured therefrom shall not be deemed to be personal chattels within the meaning of the Bills of Sale Ordinance (No. 63), and the charge hereby created shall have priority both in law and in equity to all encumbrances whatsoever save and except debts due to His Majesty the King.

Advance to be a first charge on plantation and produce.

7. Notwithstanding anything in the Real Property Ordinance, No. 60, or in any other Ordinance contained, or any provision of law or equity to the contrary, immediately upon the making of the advances authorized by this Ordinance, all persons dealing with the plantation or any interest therein shall be deemed to have notice of such advances; and all such dealing shall be and be construed to be subject to the charge and priority created by this Ordinance.

Priority of advances.

Misapplication
of advances.

8. Any owner who shall apply any advances made to him under the provisions of this Ordinance to any purpose other than those specified in his application therefor, shall be guilty of an offence against this Ordinance, and shall be liable upon conviction by a magistrate to imprisonment with or without hard labour for a term not exceeding six months.

Wrongful
disposal of
crop.

9. All produce to be reaped from any plantation in respect of which the owner shall have obtained an advance under the provisions of this Ordinance shall be dealt with and disposed of as the Auditor-General may direct, and until so disposed of shall be held by the owner of such plantation in trust for the Auditor-General. Any such direction of the Auditor-General as to the disposal of produce shall be a complete defence to any action against such owner for the breach of any covenant or condition contained in any encumbrance to deliver such produce elsewhere. Any owner disposing of any produce except in the manner directed by the Auditor-General shall be guilty of an offence against this Ordinance, and shall be liable upon conviction by a magistrate to imprisonment with or without hard labour for a term not exceeding six months.

Repayment of
advance.

10. The owner or any encumbrancer of any plantation shall at any time after the making of any such advances be entitled to demand from the Receiver-General an account thereof and to repay the same with such interest as the Governor shall direct to the date of payment; and the Receiver-General shall give a receipt for the same and thereupon the charge created by this Ordinance shall be extinguished, and the Registrar-General shall upon production to him of the receipt from the Receiver-General write the word "cancelled" across the notification entered in the register.

Rendering of
accounts.

11. The Receiver-General shall, as and when the Governor shall direct, make up an account showing the amounts advanced to the owner of any plantation, and shall charge interest on the amounts advanced at such rate as the Governor may direct and shall deliver to the owner a copy of such account.

12. Upon the delivery of such account the amount therein stated to be due shall be immediately payable, and in default of payment it shall be lawful for the Governor to sell the plantation to recover payment of the moneys advanced.

Enforcement
of security.

13. Every sale made in pursuance of the power of sale conferred by this Ordinance shall be by public auction and shall be conducted by the Crown Solicitor. Notice of such sale shall be given by public advertisement once at least in each of three consecutive weeks before the day of such sale. Provided always that the Governor may at any time before the sale of any plantation so advertised postpone the sale thereof either generally or to some day specified.

Sales to be by
public auction.

14. Whenever any plantation shall have been sold by public auction under the provisions of this Ordinance, the Governor shall convey the same by deed, or memorandum of transfer under the provisions of the Real Property Ordinance, to the purchaser, and the plantation therein described shall become the property of the purchaser absolutely freed and discharged from all estates and encumbrances save and except any charge thereon in respect of any debts due to His Majesty the King, and the purchase money shall in each case be applied in the first place in or towards payment of all costs charges and expenses properly incurred and incident to the sale or any postponed or attempted sale under the provisions of this Ordinance or otherwise, and secondly in discharge of the moneys due under the charge created by this Ordinance with interest as hereinbefore provided to the date of such sale, and the residue of the purchase money shall be deposited with the Receiver-General and shall be paid by him to the person legally entitled to give a discharge for the same.

Conveyance
by Governor,
and appli-
cation of
purchase
money.

15. Whenever any plantation advertised for sale is not sold on the day appointed for the sale thereof, such plantation may again be put up for sale, and notice of such sale shall be given by public advertisement once at the least in each of three consecutive weeks before the day of such sale.

Procedure on
sale after
postponement.

Registration of conveyance on sale.

16. A memorandum of transfer or deed, executed by the Governor in exercise of the power of sale conferred by this Ordinance shall be entered on the delivery thereof to the Registrar-General, in the case of land subject to the provisions of the Real Property Ordinance, No. 60, on the Real Property Register, and in the case of land not so subject, in the protocol of deeds.

SCHEDULE.

FORM "A."

- Application for an Advance from Public Funds to the.....
- plantation situated in the Ward of
- 1. Owner :
- 2. Property :
(Name, acreage, and No. on Assessment Roll)
- 3. Encumbrances :—
(To state mortgagees, judgment creditors and the amounts of their claims and also all liens and charges affecting the plantation)
- 4. Labour employed :—
(Average of pay-list per year for 3 years 19 -19)
- 5. Crop :—
(Average for 3 years 19 -19)
- 6. Reason for application :—
(The method under which the plantation has been hitherto carried on and reason for discontinuance must be clearly stated)
- 7. Advances applied for :—
(Amounts and dates)
- 8. Signature of Applicant :—
(To state whether owner, manager or attorney)

No. 66

Agricultural relief.

1921.

FORM "B."

Plantations to which Government advances made.*

..... Ward.

Application number.	Plantation.	Numbers on Assessment Roll for 1921.	Applicant.	Name of Owner stated in the Application.

* Amount of advances made may be ascertained by enquiry from the Registrar-General.

Passed in Council this sixteenth day of December, in the year of Our Lord one thousand nine hundred and twenty-one.

John O. Uolwija
Acting Clerk of the Council.